

REMARKS

This amendment is responsive to the *Final* Office Action of September 19, 2008 and the Advisory Action of December 23, 2008. Reconsideration and allowance of claims 2-6, 12, and 14-22 and 24-26 are requested.

The Applicant refers the Examiner to the reasons for patentability set forth in Amendment B.

Claim 5 has been amended to emphasize that the histogram and the cumulative curve are generated from the same data. The curve of Figure 3 of Zaleski is not a cumulative curve, nor is it generated from the prior data of a currently monitored patient. Rather, each of the curves of Figure 3 of Zaleski show the frequency with which a patient is diagnosed with disease code class ICD9 601.1 versus age of the patient. Of the four illustrated curves, the first one is generated with 100 data points, i.e., 100 patients, the second with 500 data points / patients, the third with 1000 data points / patients, and the fourth with 2000 data points / patients. Thus, each curve of Zaleski merely represents a frequency of occurrence versus age for a given disease and is not cumulative. Figures 4, 5, and 6 of Zaleski, referenced by the Examiner, have similar defects.

Accordingly, it is submitted that **claim 5 and claims 2-4, 6, 20, and 21 dependent therefrom** distinguish patentably over the references of record.

Claim 12 has been amended to resolve the 35 U.S.C. § 101 objection.

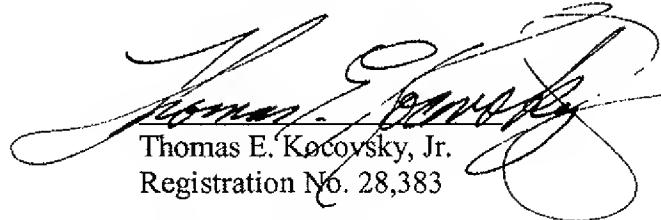
The Advisory Action indicates that a further search and consideration will be required concerning **claim 15** as amended, which is taken to indicate that claim 15 now distinguishes over the presently applied references. Accordingly, it is submitted that **claim 15 and claims 14, 16-19, 24, and 25 dependent therefrom** distinguish patentably over the references of record.

Claim 22 has been amended to resolve the 35 U.S.C. § 101 rejection and to distinguish patentably over the references of record.

An early allowance of all claims is requested.

In the event the Examiner considers personal contact advantageous to the disposition of this case, the Examiner is requested to telephone Thomas Kocovsky at 216.363.9000.

Respectfully submitted,



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